

# Notice of Allowability

Application No.

09/514,119

Examiner

Kaveh Abrishamkar

Applicant(s)

SCHNECK ET AL.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Terminal Disclaimer to obviate a double patenting rejection filed on 01/09/2004.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1 – 31 are allowed.
2. The following is an Examiner's statement of reason for allowance:

The above mentioned claims are allowable over prior arts because the CPA (Cited Prior Art) of record fails to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited in independent claims 1, 11, 18, 25, and subsequent dependent claims.

The CPA does not teach or suggest a system and method of providing adaptive security to a data stream by determining the availability of a number of security processor operations at the receive host, communicating this actual security level from the receive host to the send host, generating a plurality of data packets, having an authentication header including the desired security level range and the actual security level, associated with the data stream in the send host and reallocating computing resources if it is determined that insufficient computing resources are available at the receive host. This new system provides an adaptive security system with a dynamic nature to adapt to bandwidth fluctuations and in situations where computing power is not sufficient.

The present invention addresses the following drawbacks of prior art security mechanisms: 1) overtaxing of system resources at hosts lacking the computing power

to process the stream and accompanying security, resulting in loss of data and some measure of security, 2) the lack of quick adaptability to bandwidth fluctuations without the loss of security level or data, and 3) lack of adaptability at the host when computing power is not sufficient to handle the data stream and the security level.

Thus this invention provides a method for communicating and applying adaptive security to a data stream comprising a plurality of data packets. This method comprises identifying a desired security level range and a desired actual security level which falls within the desired security level for the data stream to be received by a host, determining the availability of a number of security processor operations at the host, reallocating computing resources at the host if the data stream cannot be verified at the desired security level, reallocating communication resources if there are insufficient computing resources available for reallocation at the host, and verifying the data packets at the actual security level, the actual security being within the desired security level range. This method allows for the dynamic lowering or raising of the actual security level based on the number of available security processor operations per second (SOPS) available in the receive host, and allows for reverting back to the desired security level parameters once/if the SOPS become available.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8892. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KA  
07/22/2004

  
AYAZ SHEIKH  
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